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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,510	06/29/2004	Johannes FranciscusMaria Cillessen	NL 020005	4385

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,510

Applicant(s)

CILLESSEN ET AL

Examiner

Ashok Patel

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 062904.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2879

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Voort et al (WO 00/34980, of record).

Van Der Voort et al disclose applicant's claimed electric discharge lamp (Figs. 1-2; abstract, page 4, line 26 to page 5, line 6) including: a light-transmissive ceramic lamp vessel (1) a first and a second current conductors (2,3) entering the lamp vessel and each supporting an electrode (4,5) in the lamp vessel an ionizable filling including a rare gas (argon) and a metal halide in the lamp vessel at least the first current conductor vessel (1) being halide-resistant, within the lamp characterized in that the first current conductor (2) at least substantially includes a material with an at least substantially isotropic coefficient of thermal expansion.

As to claim 2, Van Der Voort et al disclose material for the first current conductor chosen from the group of $\text{Mo}_5(\text{Si},\text{X})_3$, where X is B, Al (page 5, lines 4-6).

As to claim 4, Van Der Voort et al disclose material for the second current conductor including at least substantially including a material with at least substantially isotropic coefficient of thermal expansion (page 3, lines 18-19; page 5, lines 7-8; page 5, lines 22-26).

As to claim 5, Van Der Voort et al disclose material for the second current conductor chosen from the group of $\text{Mo}_5(\text{Si},\text{X})_3$, where X is B, Al (page 5, lines 4-9; page 5, lines 22-26).

As to claim 6, disclosure of Van Der Voort et al, at page 3, lines 12-17 and at page 5, lines 11-14, page 6, lines 12-15, reveals that the material for the first current conductor is co-sintered to the ceramic material of the lamp vessel.

It is however noted that the claimed co-sintering stage of the first current conductor material and ceramic lamp vessel material occurs *during intermediate processing step* and is therefore not given a patentable weight since it refers to the stage during manufacturing process.

As to claim 7, the first and the second current conductors (2,3) each extend from a sealing compound (6) sealing the lamp vessel (1) around the current conductors (2, 3) in a gastight manner to the exterior of the lamp vessel and wherein the lamp vessel has extended plugs (11,12) in which a respective current

Art Unit: 2879

conductor is enclosed, which plugs have a free end (111) where the lamp vessel is sealed by the sealing compound (6).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Voort et al, as applied above to claim 1.

Although Van Der Voort et al does not explicitly disclose the first current conductor material including pentamolybdenum diboride silicide, applicant's claimed pentamolybdenum diboride silicide would have been obvious to one of ordinary skill in the art by selecting a combination of pentamolybdenum trisilicide and molybdenum boride appropriately and suitably through routine experimentations since Van Der Voort et al explicitly discloses

Art Unit: 2879

the use of pentamolybdenum trisilicide and molybdenum boride (col. 2, lines 29-32; page 5, lines 4-9; page 5, lines 22-26) for the first and second current conductors. Physical properties of pentamolybdenum trisilicide, molybdenum boride, pentamolybdenum diboride silicide etc. favors their selection in the discharge lamp due to their matching thermal coefficient of expansions (CTE) with that of ceramic discharge vessel material.

Selection of something based on its known suitability for its intended use has been held to support a prima facie case of obviousness. *Sinclair & Carroll Co. Vs. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). See MPEP 2144.07.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the known material pentamolybdenum trisilicide and molybdenum boride, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. In re Leshlin, 125 USPQ 416.

Consequently, it would have been obvious to one of ordinary skill in the art to provide Van Der Voort et al's lamp including the first current conductor made of pentamolybdenum diboride silicide through routine experimentations, since its physical property favors their selection for use in the discharge lamp

Art Unit: 2879

due to its matching of CTE with that of the ceramic discharge vessel material.


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onnecks-Van Der Voort et al, Ishida et al, Honda et al, Kubon et al, Kubon et al and Venkataramani et al each are cited for showing a discharge lamp including current conductors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
Art Unit 2879